

REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the claimed subject matter, rather than to avoid prior art.

Claims 2-28 are pending in this application. Claims 2-28 have been rejected. Claims 5-10, 16, 18, 20-21 have been cancelled. Claims 29-47 have been newly added. The response amends claims 2-4, 11-15, 17, 19, and 22-28 leaving for Examiner's consideration claims 2-4, 11-15, 17, 19, 22-28, and 29-47.

Reconsideration and withdrawal of the rejections set forth in the Office Action dated August 9, 2007 are respectfully requested. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. No new matter has been added.

35 U.S.C. §101 Rejections**Claims 2-28**

Claims 2-28 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 5-10, 16, 18, 20-21 have been cancelled. The Examiner stated that independent claim 2 lacks a practical application and that the method fails to produce a useful or tangible result. Applicant respectfully disagrees. Independent claim 2 is directed to a method of creating a semantic object representing a target referent. Applicant submits that the subject matter of claim 2 indeed has practical application and that the produced result is both useful and tangible.

One example of a practical application is the result itself; that is, the semantic object created according to the claimed method. *See* JOHN J. LOVE, CLARIFICATION OF INTERIM GUIDELINES FOR EXAMINATION OF PATENT APPLICATIONS FOR SUBJECT MATTER ELIGIBILITY 1 (2007). The Examiner has acknowledged that the method of claim 2 produces a semantic object,

because the Examiner stated in the rejection under § 103: “However, Kroenke discloses created semantic object ...” (Office Action dated: August 9, 2006, page 3). Similarly, in earlier office actions, the Examiner has stated “However, Kroenke discloses creating an offer semantic object ...” (Office Actions dated: May 5, 2006, page 6; October 26, 2006, page 4; April 27, 2007, page 4). Thus, there should be no dispute that a semantic object results from performing the method recited in claim 2.

Further, the claimed subject matter of pending claims 2-4, 11-15, 17, 19, 22-28, and 29-47 provide substantive demonstration of the context, substance, and/or practical applications of "semantic objects" and the manipulations thereof. Applicant therefore asserts that concrete ideas regarding "semantic objects" are disclosed with reference to claimed subject matter in claims 2-4, 11-15, 17, 19, 22-28, 29-47 and with further reference to the extensive specification of this application describing several practical applications. Thus, the withdrawal of the rejection of the claims 2-4, 11-15, 17, 19, 22-28 under 35 U.S.C. §101 is respectfully requested. Applicant further submits that the rejections under 35 U.S.C. §101 are not applicable to the newly added claims 29-47.

35 U.S.C. §103 Rejections

Claims 2-4, 11-15, 17, 19, 22-28

Claims 2-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,513,059 issued to Gupta et al. ("Gupta") in view of U.S. Patent No. 5,809,297 issued to Kroenke et al. ("Kroenke"). Claims 2-4, 11-15, 17, 19, 22-28 are currently pending. Applicant respectfully disagrees.

The cited references do not show each and every element as recited in the independent claim 2

Applicant respectfully submits that when viewed as a whole, the cited references do not show the subject matter recited in the pending claims.

MPEP (2143.03) provides

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”
(Manual of Patent Examining Procedure (MPEP) 2143.03).

In particular, applicant respectfully submits that neither Gupta nor Kroenke show any of the claimed subject matter in applicant's independent claim 2. Applicant's independent claims 2, 38, 43, 46 and 47 include claimed subject matter neither taught nor suggested by the references. Therefore, Applicant's independent claims are patentable over the references.

For example, in claim 2:

2. A method, comprising:

receiving an indicator to create a semantic object to represent a target referent;

identifying a semantic object type for the semantic object suitable to represent the target referent;

creating the semantic object of the semantic object type to represent the target referent, the semantic object having a plurality of meta-tags; wherein the plurality of meta-tags comprises a predetermined set of meta-tags based on the semantic object type and a meta-tag of the plurality of meta-tags is associable with metadata; and

associating the meta-tag of the plurality of meta-tags with metadata; wherein at least one of, the meta-tag of the plurality of meta-tags and the metadata associated with the meta-tag is definable in an ontology. (Claim 2)

Without admitting to the propriety the Examiner's rationale for citing the references Gupta and Kroenke, applicant submits that the arguments provided by the Examiner in the Office Action mailed August 9th, 2007 are neither relevant nor applicable in light of the amendments to independent claim 2.

Gupta discusses a system and method for facilitating exchange of information on a computer network. The system of Gupta provides one or more context trees, with each tree including two or more connected nodes, each node being associated with one or more selected node objects (Abstract, Gupta). Gupta further describes agents that, by subscribing to the Rules of a node, are permitted to post a message on, and to read a message posted on a blackboard for the subscribed node (Abstract, Gupta).

The disclosure of Gupta is drastically different from the teachings of the claimed subject matter in applicant's independent claims. For example, Gupta does not disclose creating a semantic object. The Examiner admits this. The Examiner states that "Gupta fails to explicitly disclose including in the created semantic object content relating to the target referent." (Page 3 of Office Action mailed August 9, 2007). Applicant agrees with this analysis. Applicant further submits that since Gupta does not disclose a semantic object, there is no rationale for Gupta to disclose "receiving an indicator to create a semantic object to represent a target referent," as claimed by applicant in independent claim 2. Kroenke does not cure the deficiency.

The Examiner asserts that Kroenke discloses a created semantic object (Kroenke, Col. 5, lines 29-30. However, applicant submits that there is no indication that the system of Kroenke receives an indicator to create a semantic object to represent a target referent, as claimed by applicant. Kroenke merely discloses allowing a user to create semantic object data models. Furthermore, Kroenke does not disclose "identifying a semantic object type for the semantic object suitable to represent the target referent", as claimed. Applicant further asserts that Kroenke does not disclose, suggest, or motivate meta-tags and metadata associated with the semantic object, " wherein at least one of, the meta-tag of the plurality of meta-tags and the metadata

associated with the meta-tag is definable in an ontology", as claimed by applicant in independent claim 2.

Therefore, without admitting to the propriety of the combination as suggested by the Examiner, even if Gupta and Kroenke were combined, the resulting disclosure would be different from the subject matter disclosed by the applicant in independent claim 2, at least for the above stated reasons. Thus, applicant submits that independent claim 2 is patentable over Gupta, Kroenke, and over the combination of Gupta and Kroenke.

Applicant's remaining claims depend from one of the foregoing independent claims and therefore incorporate the distinguishing claimed subject matter of the foregoing independent claims. Since the cited references do not show each and every aspect of the independent claim 2, the dependent claims 3-4, 11-15, 17, 19, 22-28 of these independent claims are also patentable over the cited references, at least for the above stated reasons. The withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested for the claims 2-4, 11-15, 17, 19, 22-28.

CONCLUSION

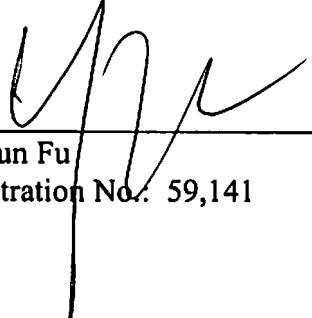
In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4306 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,

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